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HEARINGS

Before The

SUBCOMMITTEE ON AIR AND WATER POLLUTION

COMMITTEE ON PUBLIC WORKS

UNITED STATES SENATE

*Report to full
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EXECUTIVE SESSION

AIR AND WATER POLLUTION

EXECUTIVE SESSION

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Washington, D. C.

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EXECUTIVE SESSION

AIR AND WATER POLLUTION

AUGUST 5, 1971

United States Senate,

Subcommittee on Air and Water
Pollution of the Committee on
Public Works,

Washington, D. C.

The Subcommittee met, pursuant to recess, at 9:30 a.m.,
in Room S-126, The Capitol, Honorable Edmund S. Muskie
(Chairman of the Subcommittee) presiding.

Present: Senators Muskie, Boggs, Eagleton, Tunney,
Cooper, Randolph, Buckley and Bentsen.

Senator Muskie. The Subcommittee is in order.

I thought we might dispose of the last two items, one,
the permit, the connection between the Refuse Act permit pro-
gram, and the one that involves this very brief language.

It seems to me that we had pretty much agreed last
night, and I suggested we hold over, since we were going to
meet this morning, if anybody else wanted to raise another
question.

1 If there are no questions, why don't we at this
2 point just agree to it.

3 Senator Boggs. Yes.

4 Senator Muskie. We will have an opportunity to
5 take a third look at it by the time we get to the full
6 Committee session.

7 Senator Boggs. Yes.

8 Senator Muskie. Is that agreeable to everybody?

9 Senator Bentsen. Fine.

10 Senator Muskie. Without objection, we have agreed
11 with that.

12 Ocean dumping, page 95, we went over that at
13 considerable length last night.

14 Senator Boggs. The only problem I wanted to raise
15 on it is whether or not the Federal Government pre-empts in this
16 area, is there anything left for the state to do?

17 Mr. Billings. Senator Boggs, to the extent the dis-
18 charge is in the territorial waters, within the state, certi-
19 fication provision under Section 21 would continue to apply.

20 Senator Boggs. But the Federal Government would
21 issue the permit?

22 Mr. Billings. Yes. This language would apply, so
23 we would continue to protect the quality of waters in the
24 states.

25 Mr. Jorling. Interposing the most stringent

1 requirements.

2 Senator Muskie. There is an overlap here with respect
3 to industrial polluters?

4 Senator Boggs. This does not have anything to do
5 with dumping junk cars in the water, to create better fishing?

6 Mr. Billings. They would have to have a permit.

7 Senator Boggs. Okay. It would be covered?

8 Mr. Billings. Yes.

9 Senator Muskie. Now, there is an overlap here with
10 respect to industrial polluters?

11 Senator Boggs. That is correct.

12 Mr. Billings. That is correct, sir.

13 Senator Muskie. This in effect would hinder, restrain,
14 frustrate, duplicate the work done under the Refuse Act?

15 Mr. Billings. To the extent that work is being done
16 on the Refuse Act Program prior to the transfer of the Refuse
17 Act Program to EPA, there is a possibility of some duplication,
18 however, because the Environmental Protection Agency will have
19 the final responsibility for any limitation as placed on the
20 Refuse Act permits, there should not be any frustration or
21 overlap.

22 Senator Muskie. Is this a lesser authority?

23 Mr. Jorling. I would say it is broader, it is
24 more inclusive.

25 Senator Muskie. Is it tougher?

523 1 Mr. Jorling. It is exactly the equivalent in its
2 toughness, because it does prohibit the discharge as it does
3 in the Refuse Act.
4

5 In this there are some varying rather vigorous require-
6 ments that you must apply to any discharge before the
7 permit is issued.

8 Senator Muskie. Does that mean if he has already
9 been issued permits, this would require him to back up and do
10 the job over again?

11 Mr. Jorling. To make sure they are in conformance
12 with this Act, yes.

13 Senator Muskie. So if the permit issued before this
14 Act is implemented, the applicant is not protected by
15 having the permit, he would have to back up all over again?

16 Mr. Jorling. Yes.

17 There is that provision in many of those permits that
18 are issued, which I have got a copy of the permit itself,
19 which states that any change in any requirement made by any
20 state or by the Federal Government pursuant to any new
21 law brings basically automatic revocation and reissuance in
22 conformance with the permit of the new law.

23 I suspect that the water quality standards as revised,
24 it says within six months.

25 Senator Muskie. What is it that you have there?

Mr. Jorling. This is the boiler plate of the permits

1 that will be issued.

2 Senator Muskie. What is the advantage of having this
3 in addition to the Refuse Act?

4 Mr. Jorling. The basic advantages is that it
5 provides some guidance to the Administrator, and, therefore,
6 to all people that will be subject to the provisions as to
7 what will be required as a condition upon the permit is
8 issued.

9 Under the Refuse Act, no one has any statutory
10 guidance or otherwise, what will be the limitations placed
11 on any permit.

12 Senator Muskie. By the time this comes into effect,
13 those permits will be issued, so--

14 Mr. Jorling. If there are permits issued, and
15 presumably there will not be any issued before the date of
16 enactment, which we will not be issuing before January of
17 next year, if they would be issued, they would have to be
18 reviewed for consistency of purpose with this.

19 Senator Muskie. What would be gained by that if
20 the permits have already been spelled out, so that everybody
21 knows what is being expected of them?

22 Once the advantage of guidelines is given out, it
23 lets them know in advance what is expected.

24 Mr. Jorling. That question goes to the essence of
25

1 the Refuse Act itself.

2 There is nothing in the Refuse Act that provides any
3 measure of performance statutorily.

4 Senator Muskie. I understand, but if there are some
5 shortcomings as it would be at some point, those permits will
6 then disclose what the shortcomings are.

7 The purpose of this you say is to let people know in
8 advance what is to be expected of them, but if they already
9 know, what is the advantage of taking it back in time to give
10 them that anticipation before.

11 Mr. Jorling. That permit may or may not be in con-
12 formance with the requirements of this Act is basically the
13 answer.

14 Senator Muskie. The permit program with all of
15 these shortcomings, we know, one, there is no performance
16 standards, no guidelines, so they are going through this
17 agonizing period of uncertainty, so they are going to get per-
18 mits issued, related to somebody's judgment as to the equiva-
19 lent of secondary treatment, that will all be done.

20 Now, in what terms is there an advantage to requiring
21 that review?

22 Is it likely to disclose a substantial difference
23 between these performance standards and the performance standards
24 that would be required by the permit, if there will not be a
25 substantial difference, if what we are talking about is nit-

1 picking, what is the advantage upon what has already been a
2 rather agonizing and frustrating experience for polluters and
3 the bureaucracy, what is the advantage of doing it twice?

4 Mr. Jorling. The advantages, first of all, are that
5 there are some activities which are not under the Refuse Act,
6 so this is to include those.

7 Senator Muskie. I mean industrial portion.

8 Mr. Jorling. For the industrial portion, since
9 the Refuse Act permit program is subject to the same kind
10 of action that created it, to suspend it, or withdraw it, it
11 would leave open that category of activities there, it would
12 leave them open from any kind of control, and this is to give
13 a statutory base to regulate those kinds of discharges to
14 where the Refuse Act is limited.

15 Mr. Billings. The permits under the Refuse Act have
16 been issued for three years.

17 Mr. Jorling. That is correct.

18 Mr. Billings. What would be the effect of protecting
19 those permits, prior to the date of enactment.

20 There will probably not be that many issued prior
21 to the date of enactment. It will take them six months to
22 three to four years to issue permits under the Refuse Act,
23 and probably very few will be issued between now and then,
24 so that would eliminate the problem.
25

1 Mr. Jorling. We have that problem generally, what
2 is the effect of a permit under that program.

3 Senator Muskie. What you are saying is there is
4 duplication, only to the extent the permits have been issued
5 prior to the date of enactment.

6 Mr. Billings. And there will not be very many.

7 Senator Muskie. If we have no other questions than
8 that one, why don't we report this, and take a reading on that
9 one question in the full Committee?

10 Senator Tunney. The one question is the way the two
11 programs would operate?

12 Senator Muskie. The requirement to undo whatever
13 would have been done in the permit program, when this comes
14 into effect.

15 Senator Tunney. I think that if it does undo what has
16 been done in the permit program, there ought to be some time
17 that they would have to comply with the Act, within the time
18 period.

19 For instance, under the present permit program, how
20 often do you have to get a permit?

21 Mr. Billings. Every three years.

22 Senator Tunney. I think if they have already got a
23 permit under the 1899 Act, then they should not have to
24 have to undo what was done within the past three years, what
25 they have accomplished, and what they would have to do is to

1 get a new permit anyway.

2 Senator Muskie. Why don't we prepare language to
3 provide that?

4 Mr. Billings. That ought to encourage some quick
5 applications and a maximum amount of political pressure to
6 get permits under the guidelines before this goes into
7 effect.

8 Senator Muskie. If it will cause pressure, I will
9 back down.

10 Well, if there is no objection, why don't we report
11 it to the full Committee in that way.

12 That takes care of two items.

13 You have got number seventeen, definition of
14 pollutant.

15 This is item seventeen, and then we have hazardous
16 substances, item fifteen, page 85 and 86.

17 Mr. Billings. Mr. Chairman, as a result of the water
18 quality improvement act of 1970, the Administration is
19 requested to study the method of handling discharges of
20 hazardous substances from vessels of offshore and onshore
21 installations.

22 That study has been subsequently received.

23 In order to provide a liability coverage for those
24 discharges, the staff recommends including in the oil pollution
25 section a reference to hazardous substances and retain the

1 provisions of the water quality act to require the Administra-
2 tion to designate the substances.

3 There is no problem with following the course that
4 the print spells out.

5 As to the one question in the bill that was raised,
6 the staff would recommend liquidated damages recovery for
7 discharge of hazardous substances which must be cleaned up.
8 There are those that became dissolved in the water, and they
9 disappeared, and they could cause environmental damage, and
10 there is no way to handle them.

11 We are informed that the liquidating damages was
12 for all practical purposes, a fine, and a fine in excess of
13 \$50,000 would not be insurable for a variety of reasons,
14 including not going into any great detail, but the staff
15 feels to go \$50,000 maximum penalty for hazardous discharge
16 or discharge of hazardous substances which could be cleaned
17 up.

18 The other change in this law is the change recommended
19 by the Justice Department under the Civil Penalty provision
20 of the oil pollution act, and a civil penalty could not be
21 assessed without a knowing violation.

22 The Justice Department informs us the burden of
23 proving the knowing violation is virtually impossible, there-
24 fore, the staff recommends a substitution of knowingly or
25 willfully or negligibly, and that would provide a better

1 best of determining whether or not civil penalties should
2 be assessed.

3 Mr. Jorling. The industry also was happy with
4 that change.

5 Senator Muskie. Nobody has any questions about it?

6 Mr. Billings. When the staff started out, we took
7 out knowingly, and they came back and suggested something
8 else.

9 Mr. Jorling. There is one thing suggested by the
10 industry, which is included on page eighty-eight, that is
11 where the state spends money to protect its beaches, that
12 the state will be eligible to be reimbursed by the fund.

13 That was the intent of the Act.

14 Mr. Billings. But the state acts in place of the
15 Federal Government to clean up the beaches.

16 There is a liability amount of \$35 million in the
17 fund.

18 To this point, the Federal Government is not required
19 to clean up oil, but in many cases the states having to
20 clean up--

21 Senator Muskie. Have they recovered?

22 Mr. Billings. They have not recovered from the
23 Federal fund.

24 Senator Muskie. Why.

25 Mr. Billings. Because the Federal funds are not

1 available to reimburse them of their costs.

2 Mr. Billings. Who would then be responsible for
3 the recovery?

4 Mr. Jorling. The Federal Government.

5 There have been many instances where this particular
6 program has not been carried out to the fullest extent and
7 intent of the law.

8 We intended to clean up the oil and recovery be charged
9 to the polluter.

10 In the California case, where two tankers discharged
11 as a result of a collision, the state embarked on a program,
12 where at one time it had a very large amount of volunteers
13 cleaning up, and there was pretty clear language in the
14 report that those people should be paid, and this encourages
15 that kind of a method of cleaning up, so that the people can
16 clean up, and they can be compensated for their services, and
17 then that would be paid in accordance with the services, so
18 this encourages full utilization of that provision.

19 Senator Muskie. So there are no problems in connection
20 with that provision.

21 Mr. Billings. Not to the knowledge of the staff.

22 Senator Muskie. I would suggest we report this to
23 the full Committee.

24 All right. Administrative penalties.

25 That is a question Senator Cooper is interested in.

1 Mr. Billings. We can take up program grants next.

2 Senator Muskie. Item two, page thirteen.

3 Mr. Jorling. The intention of the language, beginning
4 on page thirteen, it runs through page nineteen.

5 Mr. Billings. When this was first considered, there
6 was a recommendation that the Federal share of costs imposed
7 on this Act for state programs be 100 percent of costs that
8 the state had to carry, because of the programs required by
9 this Act.

10 Mr. Jorling. The staff provision now limits the
11 bonus above --

12 Well, what it does, it creates a dual share provision,
13 a basic Federal share, which is to continue the state
14 programs at the level, that they have been operating up
15 to this point, and to increase the quality of these programs,
16 and then provide a bonus share, limited to certain percentage
17 of the basic share to carry out the added functions carried
18 out under this Act.

19 Mr. Billings. Page sixteen, paragraph three.

20 Mr. Jorling. The Administration has looked at the
21 language of the basic share, and found it would have an
22 effect we did not intend, and that is to limit the Federal
23 assistance to states, to some states below what they had
24 received last year, under the existing law, because of the
25 great disparity in the way it operates.

1 California has a \$5.5 million program and the Federal
2 Government only contributes \$800 thousand.

3 In Mississippi, it is just the opposite, it has a
4 \$200 thousand program, and the state pays only \$75 thousand,
5 and the Federal Government pays \$125 thousand, and so because
6 we were not flexible enough in our basic formula, the
7 Mississippi formula would have resulted in less Federal money
8 going to Mississippi next year than would have been under
9 existing law, so what I think we would like is to give some
10 instructions to bring that Federal share back in line, as the
11 Administration suggested.

12 Mr. Billings. The State would like to have approval
13 to the Administration's language, and any comment from members
14 on the Federal increase of the Federal share by fifty percent
15 of the Federal share.

16 Senator Muskie. If you are going to do that, what
17 happens to the supplementary, is that fifty percent geared
18 to the basic fifty?

19 In the case of Mississippi, under the present pro-
20 vision, Mississippi would get \$100 thousand, plus this bonus
21 of \$50 thousand?

22 Now, if you say it is harmless on the basis of ten,
23 does that make the next supplement to \$60 thousand?

24 Mr. Jorling. That would be the maximum.

25 Senator Muskie. Why would you give that in both

1 cases?

2 Mr. Billings. The question then is whether or not
3 the extra fifty percent should be calculated on the basis of
4 the full Federal share of the first costs.

5 Senator Muskie. What is the purpose of that
6 supplementary?

7 Mr. Billings. To help the states offset the costs
8 imposed by this Act.

9 Considerable requirements would be imposed on the
10 states as a result of this Act.

11 Senator Muskie. What is the connection between this
12 way of getting at it and the actual costs?

13 Mr. Jorling. The add-on requirements would vary
14 from state to state.

15 The basic share is to bring the states up to what
16 they have determined is necessary to implement the 1965 Act.

17 California is short of what they need to implement
18 their program.

19 Senator Muskie. This formula is just arbitrary?

20 Mr. Jorling. That is correct.

21 Senator Muskie. I guess that is the best you can
22 do.

23 Mr. Billings. We have a hard time being arbitrary.

24 Senator Muskie. We have a vote, so we will recess
25 at this time.

1 (Whereupon, the Subcommittee was in short recess
2 from 10:30 o'clock a.m. to 11:00 o'clock a.m.)
3

4 - - -
5

6 Senator Muskie. We were on item two, program
7 grants when we went up to vote.

8 We need to get from the Administration an estimate
9 of costs, and we want estimates from the states, of course.

10 It is just a question of what we do with numbers,
11 and the numbers that relate to that information, so I suggest
12 we report this section as is to the full Committee.

13 The intention of this section is to provide Federal
14 assistance to the states and the cost of implementing this
15 provision to this Act, and we took the same view in the air
16 bill, that imposing this burden on the states, we ought to
17 give them program assistance, and that is what is undertaken
18 here.

19 It is just a question of what the level of support
20 would be.

21 We took it down from the original hundred percent
22 support, to this present formula, which I think is realistic,
23 fifty-fifty.

24 You may want to modify it, and get in some other
25 figures, but this is as good a guess as we can make at this

1 point.

2 Is there any objection to reporting it to the full
3 Committee?

4 If not, then we will report it to the full Committee
5 in this form.

6 Now, I would like to take up the question of administra-
7 tive penalties, and my suggestion is to not deal with it.

8 I may be not with the same sensitivity as Senator
9 Cooper has, but I do have some reservations about the admin-
10 istrative penalties.

11 I have not been able to resolve it to my own satis-
12 action.

13 I would like to leave this provision out of the
14 bill, and consider it as a new item to the full Committee,
15 if there is still some inclination on the part of the
16 Administration to offer it.

17 Senator Cooper. I think I agree with that. It may
18 be better to take care of this under another procedure, but
19 as I said, I am not in favor of administrative penalties.

20 Senator Buckley. I would say to take it out.

21 Senator Muskie. If there is no objection, we will
22 leave this out of the bill and consider it for consideration
23 by the full Committee separately.

24 Mr. Jorling, Can we prepare the defect that is in
25 the other Federal enforcement, to accommodate the problem?

1 Senator Muskie. Yes.

2 Senator Randolph is here, and I know he has particular
3 interest in item seventeen.

4 The definition of pollutant is defined in Section
5 502, page 101, line 16.

6 Senator Randolph. Thank you very much. I do want
7 you to know that I have wanted to be here during the
8 deliberations in the past few days, but it has been impossible
9 to do so.

10 I did address a memorandum to the members of the
11 Subcommittee, in reference to directing disposal of dredge
12 spoil.

13 I am not sure that you have all had the opportunity
14 to read that.

15 I ask that it be given to the members, and if it
16 has not already been done, that it be done now.

17 In the course of your own work, you have probably
18 not had an opportunity to check it.

19 Senator Muskie. Page 101 of the bill, definition
20 of pollutant, it is line sixteen.

21 Senator Randolph. I do know there are other members
22 of the Subcommittee that have addressed themselves to this
23 problem, and I am sure that they will want to enter into
24 the discussion.

25 Under the present draft, the dredging will continue

1
2 to be regulated by the Secretary of the Army, is that so,
3 Mr. Chairman?

4 Leon, under the redraft, would they continue to
5 regulate the disposal?

6 Mr. Billings. There would be no change.

7 Senator Randolph. The permit system that is
8 proposed, it would prohibit all ocean disposal, dredge
9 spoil, except on conditions established by the Administra-
10 tion, and we would be required, of course to take into consi-
11 deration any problems.

12 I suggest here that there might be some amendments
13 that we could consider, and one would be requires part of
14 the implementation plan, temporary, for waters in which
15 dredging takes place.

16 Let me read the amendment.

17 Require as part of the implementation plan "temporary
18 turbidity standards" for waters in which dredging takes
19 place. Without such standards, virtually no dredging activity
20 can be undertaken, regardless of the method of disposal of
21 dredge spoil.

22 We have had that problem from time to time, and I
23 know Senator Beall has discussed the matter number two
24 here, dredge spoil from the definition of pollutants, Section
25 502, while polluted dredge spoil, and so on, it is outlined

1 there, but we would think in terms of discharge permits, as it
2 is set out, as you know, on page two.

3 We would modify the proposed amendment to the present
4 Section 21, which would give the Administrator the veto over
5 state granted certification, by accepting permits for
6 maintenance, that would be issued pursuant to the 1899 Act.

7 Now, page three, number five, this is of course
8 important.

9 You would amend the Section of the Rivers and Harbors
10 Act of 1970, to allow the Federally-assisted construction of
11 contained spoil disposal facilities on the sea coasts, as well
12 as the Great Lakes as the Act is presently limited. This is
13 essential, along with accelerated development of land-based
14 disposal, if the open water disposal of dredge spoil is to
15 be eliminated at the earliest possible date.

16 I think that is all I want to say at the moment.

17 Senator Beall, do you want to comment on these
18 suggestions?

19 Senator Beall. Just as to what you have in Section 2,
20 it indicates, I think it is important that we allow continua-
21 tion of maintenance and dredging, because it is very important
22 to the economic well-being of many communities, but let me
23 give you a practical example of the necessity of temporary
24 turbidity standards.

25 We are all familiar with the Blue Plains Treatment

1 plant here next to Washington, and much of the equipment that
2 will be installed in the Blue Plains Plant, this will have to
3 be done in the waters, and the Corps of Engineers gave a permit
4 for construction of the dock, because there is dredging, and
5 unless we have temporary turbidity standards, they could not
6 build the dock, and, therefore, they could not proceed with
7 the construction of the Blue Plains Plant, so we would be
8 deterring treatment of a facility if we did not have temporary
9 standards.

10 Senator Randolph. You and Leon have discussed this
11 point, and I am not attempting to direct the consideration, but
12 do you wish to make any comment, Barry?

13 Mr. Meyer. I would prefer Leon talked about this.

14 Mr. Billings. Mr. Chairman, as you recall, the water
15 quality improvement act, the recommendation of yourself and
16 Senator Cooper, the Administration is mandated to get the
17 states to set turbidity standards.

18 At this time we have no way of knowing which states have
19 gone ahead and followed those instructions; however, the
20 staff in reviewing the Act, has developed some language which
21 should I think accomplish the purposes set forth in your memo,
22 and I would like, I might briefly just point out a couple of
23 things, one, your item four amendment relative to modifying
24 the proposed amendment to present section 21, that is no longer
25

1 needed, and there is no longer a need for that.

2 Your amendment number five, it would very logically
3 go into ocean disposal, into that section, which the
4 Subcommittee approved this morning, and the staff worked that
5 in with no difficulty.

6 As to your amendment number one, and the issue raised
7 in number three, the staff has developed some language to go
8 into the implementation planning section, Section 302 and Sect-
9 ion 303.

10 Senator Muskie. To point out the one aspect of that
11 language, the question as to the toxic substances in pollutants,
12 Section 306, on page 69 of the print, relative to the--

13 Excuse me. 307, provides that when proposing or
14 promulgating any prohibition or effluent standards, the
15 report would state a need to make the distinction as to source
16 between a point source, and a dredge deposit.

17 Senator Randolph. Are you saying in a sense, Leon,
18 as you have the language here, and refined, of course, to
19 that part of the bill, that you have drawn our attention
20 to, and this is my suggestion, that we would need to have it in
21 the report language, something that would go to this topic?

22 Mr. Billings. Yes. We make the distinction between
23 the toxic pollutant and that coming from point source.

24 As was pointed out, one of the great problems with
25 mercury, it is in the sludge, in the bottom of the river, and

1 it continues to leak out of the sludge and get into the
2 food chain.

3 The dredging of the deposits is going to rebase some
4 of that mercury, and it is also going to remove some of that
5 mercury, and if you cannot dredge it without violating the
6 standards, you would not be able to move it from the bottom
7 of the river, so you will have to make some compromise in
8 dealing with the other problems.

9 Senator Muskie. That is the intent of the language?

10 Mr. Billings. That is the intent of the language.

11 Senator Randolph. This is very complex.

12 Mr. Meyer. The reference to Section 307, that
13 reference can be made to paragraph 4 of Section 307.

14 I am afraid the language as written there would give
15 a statutory direction, and then we would have poor language,
16 and unfortunately, the Committee report language just
17 ignores that.

18 Mr. Billings. You made the extra phrase there to do
19 that.

20 Mr. Meyer. My concern in reading the statute, the
21 Administrator can say we can prohibit, because the reference
22 is for prohibition, and the Committee report language just
23 gets ignored.

24 We have had a number of instances where if it suits
25 their purposes, they do not bother to read the Committee
report.

1 Senator Muskie. Of course the whole procedure of the
2 toxic substances, Section 307, is prohibition, which has been
3 modified, on the basis of hearings.
4

5 What Leon has just described, this would make a case
6 for modification.

7 Are you suggesting that we depart from that
8 procedure with respect to dredge spoil?

9 Senator Cooper. This proposed amendment, as far
10 as any dredging, which contains toxics, some toxic elements--

11 Senator Muskie. In the toxic substance provision,
12 which provides for modification of total prohibition.

13 It seems to me a case ought to be made, but that
14 we ought not prohibit or exclude from consideration of
15 the toxic nature of the spoil, as long as you provide that, that
16 is, a procedure that permits the making of a case, is not
17 that about all you can do?

18 Mr. Billings. I think this language here does it.

19 Senator Muskie. Barry developed language modifying
20 this, on the third line of this language, after the word,
21 the first or, insert at anytime, included in a category of
22 sources, end of paragraph four.

23 Senator Randolph. That would meet my thinking in
24 reference to this matter.

25 Senator Muskie. At anytime included in a category of

1 sources, on paragraph four, should not that be a reference
2 to Section 307?

3 Mr. Billings. It will go after the word temporary
4 turbidity standards, or at anytime, and--

5 Senator Tunney. One of the things that concerns me
6 is that no where else in the legislation do we have any
7 reference to temporary turbidity standards, and I am just
8 wondering if there should not at some point be a positive
9 empowering of the Administrator to establish temporary
10 turbidity standards, which would dovetail into this amendment
11 that is being offered, because it seems to me to sort of be
12 a backhanded way of getting temporary turbidity standards
13 into the legislation, because no where else does the
14 Administrator have such power, and I am just wondering if we
15 just cannot positively state with respect to dredging, the
16 Administrator will have the power to issue temporary turbidity
17 standards, as an exception.

18 It might be read that this is a reference to an inherent
19 power that he has.

20 Senator Muskie. I think that is a proper suggestion.

21 Mr. Billings. The difficulty, Senator Tunney, is
22 the Act is not precise to any specific standards that would
23 have to be developed.

24 Senator Muskie. What about modifying this language
25 here, provides procedures for the establishment of temporary

1 turbidity, and procedures to insure that any discharge of
2 dredge spoils should not violate.

3 Senator Tunney. Right, that would do it.

4 I think it is perfect, otherwise it makes it appear he may have
5 that inherent power.

6 Mr. Billings. It provides procedures to establish
7 temporary turbidity standards and to assure that any discharge
8 of dredge spoil--

9 Senator Muskie. Would that do it?

10 Does that take care of it?

11 Mr. Meyer. The question then is item number two.

12 Senator Muskie. I really think to eliminate dredge
13 spoil from the definition of pollutant, we have no political
14 problem.

15 It seems to me, having done that, there is no
16 political problem.

17 We have procedures now to protect, and to show realistic
18 solutions to the problem.

19 Senator Randolph. How do you feel about that,
20 Senator Beall?

21 I want to counsel with you in reference to the matter,
22 because we have talked about it.

23 Senator Beall. I do not know. Dredge spoil in and
24 of itself, if left, dredge spoil, it is a removal of a natural
25 condition to another location, and it is not a pollutant as gar-

1 bage is.

2 Senator Buckley. It could destroy oyster beds if
3 misplaced.

4 Mr. Meyer. The Corps of Engineers, they consult with
5 people to stay away from certain places.

6 Senator Buckley. I mean with reference to including
7 it in pollutants, of these other provisions, if they apply.

8 Senator Beall. I think probably so long as it is
9 permitted as an activity to continue, so as not to cause any
10 economic hardships, the fact, the definition, I do not
11 think it should be harmful, so long as you work these other
12 things in.

13 Senator Randolph. Senator Cooper, do you have any
14 further thinking on this?

15 Senator Cooper. Will somebody tell me what the law
16 is today, regarding dredge disposal?

17 I believe we gave the authority to the Secretary.

18 Mr. Billings. There are two provisions, one is
19 the Flood Control Act, and--

20 Senator Cooper. The law today is what, can you
21 tell me that?

22 What is the law today about the dumping of the
23 dredge waste into a stream, lake, or into a interstate or
24 intrastate waters, lakes, or rivers?

25 Mr. Jorling. I think the law would support -- Well,

1 it would say it this way, that before any action could be
2 undertaken either by a corporation or by someone under
3 license or permit from the Corps to dredge, which is required
4 for any dredging at all in navigable waters, that activity
5 would have to go through certification procedures of 21(b)
6 of the existing law, and that certification procedure would
7 provide that ~~that~~ activity must take place within the require-
8 ments of the water quality standards of that state.

9 What the amendment is that we have talking about
10 is that it would provide those standards that would necessarily
11 have to include a temporary turbidity standard, and then the
12 state would certify as to compliance or noncompliance, the
13 activity to be undertaken.

14 The thing that has been provided to allow this then
15 is the second act in a dredging activity, and that is the
16 disposal of the material, and that also, if the disposal
17 was intended for open end waters, they would also require
18 certification, and the problem has been inert dredge spoil
19 could not be disposed of in open waters, without violating
20 a turbidity standard, but could be discharged without violat-
21 ing temporary turbidity standards.

22 Only two states in the records of last year had
23 developed temporary turbidity standards, and this would
24 require all states to accommodate this problem of disposal
25 of inert dredge spoil.

1 If there is contaminated dredge spoil, there have
2 been two provisions enacted into law, one, that we did in
3 association with the water quality act, that allows the
4 Secretary of the Army to give private interests permits for
5 disposal of that material, and for those private dredgers to
6 pay a fee for the use of that area, and then in 1970, the
7 Rivers and Harbors Act, a more extensive provision was
8 enacted, that was limited to the Great Lakes, and that provision
9 provided that the Secretary of the Army could make grants of
10 seventy-five percent, or assume the cost of seventy-five
11 percent of the cost of a contained area, twenty-five percent to
12 be contributed by the State, or any other organization, or the
13 development of disposal areas for contaminated dredge spoil.

14 Actually, the Great Lakes, the policy there is to
15 remove all of the dumping into the Great Lakes.

16 The amendment that Senator Randolph has suggested
17 would strike the limitation of that provision to the Great
18 Lakes, and extend this authority to all of the areas of the
19 United States, which would make available then the authority
20 to the Corps of Engineers to pay seventy-five percent of the
21 costs, which is recoverable over a period of time to states
22 or private interests on the commitment they pay the remainder
23 of the amount, twenty-five percent for the purpose of accommo-
24 dating dredge spoil, so I think with the addition of the
25 temporary turbidity requirement in each state law, the

1 inert kind of material to be disposed of in open waters, and
2 contaminated --

3 Senator Randolph. I do want to ask this question.
4 There would be a need, or let's say it would be helpful
5 if we had in the report language that the private dredgers
6 would be treated just as with the Corps of Engineers' dredging
7 program, is that correct?

8 Mr. Jorling. I think so.

9 Senator Randolph. It seems to me that that sounds
10 just fine.

11 Mr. Meyer. On the language we set up, without touching
12 the definition of pollutant, and with the amendment of the
13 Rivers and Harbors Act, with state certification, I cannot
14 see where dredging would be hampered.

15 It might be if we had not made the change. Do you
16 see any place where a hitch could develop because of the
17 impact of the water quality act, and the amendments we
18 are talking about now?

19 Mr. Jorling. I do not think so. I think it would
20 encourage the use of dredging in these areas, where we have
21 these accumulated pollutant loads, and to get them into
22 the contained areas, where they would provide continuous
23 reservoir for contamination of the water.

24 Senator Muskie. Any other question about that?

25 Are the Senators satisfied?

1 Senator Randolph. The language is agreeable to me.
2 I think it covers our problem that we have discussed.

3 Mr. Meyer. The language itself, where do you want
4 to put it?

5 Mr. Jorling. I think it would go in Section 303,
6 implementation plan section.

7 Senator Beall. I think this would handle the
8 situation.

9 Senator Muskie. Without objection, unless Senator
10 Cooper raises a question later when he gets back.

11 We will report this language to the Committee.

12 We have now three items left on the agenda.

13 Senator Cooper, do you have any further questions
14 on it?

15 Senator Cooper. I still go back to this question,
16 can dredging be dumped in rivers, lakes, inert spoils which is
17 contaminated?

18 Mr. Jorling. It would be provided for as long as
19 they did not violate a temporary turbidity standard.

20 Senator Cooper. Are those standards now in the
21 law?

22 Mr. Jorling. We encourage development in the report
23 on the 70 amendments.

24 I don't think, as Barry has pointed out, the report
25 language carries sufficient leverage, and they have not yet

1 adopted these amendments in the states. The standard has
2 not yet been adopted.

3 I think there were just two in the 1970 record.
4 I believe it is Michigan and Wisconsin.

5 This language would require it as an implementation
6 for all states, so it would force the requirement.

7 Now, there have been some turbidity standards
8 developed, and they have been very successful.

9 Now, here is the language we had in the report.
10 The Committee expects the states to review their existing
11 water quality standard to deal with the problems of temporary
12 turbidity where necessary to conform with the sections of
13 the basic Act as amended by this bill, which was to make it
14 clear, not to halt navigation and legitimate use of water,
15 so I am not sure how many have followed that directive.

16 Senator Cooper. Would the coloration of the water
17 have anything to do with the temporary turbidity?

18 Mr. Jorling. I am not sure what the color would mean
19 in this context.

20 The general index of turbidity is the lowering of the
21 sediment being stirred through the water. Whether that is
22 the kind of color you are referring to in this particular
23 case, or whether it is more of a dye, or some kind of pigmen-
24 tation, I don't know. Pigmentation or dye would fall within
25 the category of industrial wastes, and therefore be included

1 in here.

2 Mr. Billings. Any temporary turbidity anywhere will
3 vary, because of the soil.

4 It is different everywhere.

5 Senator Muskie. Are we ready for the question?

6 Is it the desire of the Committee to report this
7 language to the full Committee?

8 Without objection, that is ordered.

9 Now, we have three items left, six, seven and nine.

10 First we must recess for a vote.

11 (Whereupon, a short recess was taken for the
12 purpose of voting.)

13 - - -

14
15
16 Sentor Muskie. Item nine, water quality standards.

17 Yesterday I think we had a thorough and vigorous
18 discussion of this problem posed by the deadline.

19 I think we disposed of the first stage, at least
20 contingent upon our disposal of the second stage.

21 Since yesterday we have gotten more additional
22 estimates to the overall public costs of doing all that needs
23 to be done to meet the standards.

24 I have one here from EPA, which gives us some
25 interesting orders of magnitude, which says, pollution from

1 acid mine, \$14 billion, salt water, half a billion, combination
2 sewers, that is, combined sewers, \$25 billion, industrial,
3 \$6 billion, municipal, \$20 billion.

4 Those add up to \$67 billion.

5 There are no figures for storm sewers and agricultural
6 run off.

7 Those would be included, the rough total would be
8 a hundred billion dollars with those last items, so we have
9 a hundred billion dollar figure that has been so popular for
10 the past three or four years, but I think, and I have slept
11 on it, that there is really no way at this point of coming up
12 with hard estimates.

13 Nevertheless, I think that it is justifiable to set
14 a deadline.

15 If we do so in this context, and I have asked Leon
16 to outline roughly what it is that I am proposing, what I
17 am proposing is that in midcourse, roughly, we can discuss
18 what date it ought to be, 75, 76, 74, and that we require
19 the agencies submit as thorough a picture as they can develop
20 of what we are to achieve, what remains to be done, and the
21 cost of doing this, including the public share of the cost,
22 and recommendations for meeting it.

23 If it means we would have three years roughly to put
24 that together, for the midcourse correction, to use the space
25 technology, but I am persuaded that the Senate deadline would

1 be useful to do to exert pressure for the development of the
2 means of the program, and with the resources.

3 If at time of the midcourse correction, the task
4 takes on dimensions that are of concern, that the midcourse
5 correction can be made, it would call for resources in essence
6 of what we might be prepared to devote to it in the light of
7 the other requirements, we could make the change.

8 In other words, the setting of the deadline would
9 not be an irrevocable act, but it would or could be modified
10 when we have more complete information.

11 I would not suggest anything in the legislation, or
12 require we ought to suggest a change in the deadline, but the
13 fact that we have that option will be clear at that point.

14 That is my proposal, in its simplest outline.

15 I have satisfied myself as to its common sense, and
16 I would like to do this, and it would require minimum
17 problems and language in that proposed item six, and I think
18 we have gone through at least that, when we get to midcourse,
19 we will be in position to go the rest of the route.

20 That means \$20 billion to start with, because it
21 is clear that what we are talking about in terms of public
22 costs over the next decade is going to be a minimum of
23 \$50 billion, and that we must make a substantial input into
24 that in the next five years, and it will be a target to 1980.
25

1 What I think we are talking about, item six is a
2 meaningful downpayment, and then a midcourse correction, and
3 a public decision at that point, which would coincide with
4 the need of a new authorization bill.

5 In other words, the Congress would then have to make
6 another decision at that point, as to whether to fund the
7 remainder of the trip.

8 If it did not, it should do so with the full realiza-
9 tion it is not going to make the trip, but I think our target
10 now ought to be 1980.

11 That is my suggestion.

12 Senator Tunney. Mr. Chairman, I was just wondering
13 whether the review would be under your proposal by the
14 Congress, or by the Director of EPA.

15 Senator Muskie. I am suggesting a report on the
16 costs, and the implication of reaching the target, because
17 at that point it would coincide with roughly the near
18 completion of the first stage standard, since it would
19 coincide with the need of new authorization legislation, it
20 would give us a logical point to review the target.

21 I do not think that we ought to specify in the
22 legislation what we are doing is the target, that because
23 that takes away the pressures, but it would create a logical
24 point to make whatever new decisions we thought we need to
25 make, without inviting a change, by weakening the target.

1 Senator Tunney. I think it strengthens the bill.

2 Senator Muskie. I have asked Leon to go over the
3 details of what it is I am proposing to put into the bill.
4 I understand Senator Boggs has something similar in mind.

5 Senator Boggs. I commend you on your concept,
6 Mr. Chairman.

7 In this corner we have discussed a similar thought,
8 and we came up with something very close to your suggestion,
9 and I think it is a way to meet this problem, and one
10 question I am sure Leon will cover, but you visualize a new
11 authorization to meet the problem, for the second phase, so to
12 speak, after we change course?

13 Senator Muskie. That is right.

14 Senator Boggs. Where all of this goes into?

15 Senator Muskie. That is right.

16 Senator Buckley. I think a lot depends on the
17 draftmanship, so you do not over reinforce the expectations.

18 It is politically practical to do the proper thing I
19 think today.

20 One question, would there be any merit in considering
21 a shorter authorization in this bill, so that we can make that
22 change of direction a little sooner, and we might have
23 developed the kind of information we need to see the results
24 of the Muskeegan experiment, and so on?

25 Senator Muskie. What the authorization has proposed

1 is four years.

2 The fourth year is 1976. Normally we would be
3 reviewing the authorization in 1975, so that I think that
4 is consistent with what we are proposing.

5 You would not wait until the authorization ran out
6 to review the program, and you would be doing so at the
7 outset of the year for which we have already authorized.

8 Mr. Bentsen. I am in accord with your proposal. I
9 think we are making decisions on a totally inadequate data
10 bank, insofar as the massive significance that this legis-
11 lation will have, and I think calling on this report is most
12 helpful and the power of review is inherent in the Congress,
13 and if they feel correction of direction is necessary, they
14 will do it.

15 Mr. Billings. There will be continuation of the
16 national water quality and pollution source inventory by
17 1973, January 1, and there will be a report to the Congress
18 and to the states on the relationship of existing water
19 quality, including the water quality anticipated by completion
20 of phase one, in relation to the national standard, by January
21 1, 1974.

22 The Governors would file with the Administrator an
23 implementation plan for all waters of the state, the date of
24 achievement of the national standard, the cost of implementa-
25 tion, together with the precise justification of why any

1 waters in the state would not achieve the standard by 1980.

2 Such justification sets forth, one, the local and
3 Federal costs of achieving standards on the basis of present
4 laws and assistance in percentage terms, two, estimated private
5 costs, non-governmental costs, including those costs attri-
6 butable to individual nonpoint source controls, and, three,
7 any factors which the Governor determines justifies the
8 postponement of standard beyond that date, 1980.

9 That would come in beyond January 1975, the Adminis-
10 tration would be required to review the implementation
11 plans, hold hearings, on and in any area in which an exception
12 was proposed, and report to the Congress together with its
13 cost estimates by June, 1975, and then the authorization,
14 Congress would be authorized in fiscal 1977, within the year
15 that follows.

16 Senator Muskie. Now, did you have any additional
17 suggestions?

18 Staff Member: My proposal was directed primarily to
19 the length of time that the extension, the standard would be
20 granted.

21 We do not know what kind of extensions are meritorious,
22 therefore, it seems you might go at it in a different way.

23 You require the report, whereby EPA, or an outside
24 group, prepare it on costs prior to the expiration of
25 authorization, on July 1, 1974.

In other words, a total of three-year authorization,

1 and then the Congress has that data prior to a submission
2 of the implementation plans by the state, so the Congress,
3 having to go back into the program in the summer of 1974, and
4 then fix at a date certain a final achievement of the Tunney
5 standard on all waters.

6 In other words, 1980. This would give the states
7 time during the fall of 1974 to crank that into their
8 implementation plans by January 1, 1975.

9 In effect, on the three-year standard, requiring the
10 judgment to be made two years earlier than it would under the
11 one Leon has got, and bring the significant difference, it
12 places the Congressional decision before the implementation
13 plans.

14 Senator Muskie. The trouble I have with that is
15 that in effect, it would have the effect of interrupting
16 the whole process by Congressional consideration of what
17 we have advanced.

18 It has taken us two years to put this bill together,
19 a year and a half, and I think the objective of it is to build
20 into this the momentum which will take us to 1980, if we
21 continue.

22 I think that the implementation plans ought to be
23 begun, and they can always be modified.

24 What I am saying is that the pressure ought to be on
25 continuing what we start, rather than having an interruption of

1 what we start to take another look at.

2 Staff Member: That was not the intent. The intent
3 was in effect to make a judgment on the kind of length of
4 extension is necessary, prior to the time that the states
5 submit the implementation, so that the Administrator is then
6 in a position to say nobody is allowed to submit an implementa-
7 tion plan that seeks an extension beyond 1983, and that all
8 other waters must achieve Senator Tunney's standard by 1980.

9 In other words, it is really an examination only of
10 the extension beyond 1980, for those few waters.

11 Senator Muskie. May I ask Leon to comment on this.
12 I did not phrase the question properly.

13 Mr. Billings. My reservation goes to the idea of
14 having the report on costs and impact and so on, presented,
15 to precede the implementation plan.

16 The implementation plan is going to be the measure of
17 what can be accomplished.

18 The states are going to have to have the capability
19 to develop an implementation plan.

20 In the period between the time this bill is enacted
21 in this time and 1976, when the first stage is accomplished,
22 it will rely very, very heavily on states to do what they
23 have set out to do.

24 It will require investing staff capability, and so on.
25 I really cannot envision's EPA having that kind of capability

1 to go out and make those kinds of judgments, and the other
2 thing, I think it is very real, that is, if we do it in
3 terms of implementation plans, the burden of proof is on
4 Governors to show what they can and cannot do.

5 To do it the other way, you would put the burden
6 of administration, you would put the burden on the
7 Administrator.

8 Mr. Jorling. Also the implementation plan is the
9 vehicle to which you attach the cost figures.

10 To do this, if you set out what you have to do, and
11 then you would say it costs this, and this and this to go
12 through that programming, so the cost data would have a
13 firmer base, which is the kind of base we need.

14 Mr. Billings. One additional thing, we have had
15 repeated conversations with the Administration about a very
16 perplexing fact, and that is we are not going to know what
17 the water quality achieved is until after all of the effluent
18 controls are in place, because of the difficulty in establishing
19 a direct relationship between effluent controls and water
20 quality.

21 If you have this report come out too much before the
22 end of stage one, your data base is going to be pretty
23 inadequate.

24 The closer you are to the end of stage one, the more
25 likely you are going to know how much further you have to
go.

1 Senator Boggs. On phase one, which we discussed,
2 it would be 1976?

3 Mr. Billings. And we are talking about the Admin-
4 istrator reviewing the plans and coming up with a report
5 in the year between 1975 and 1976, in which much of your
6 work should have been done.

7 Senator Tunney. I think the whole value, one of
8 the values of the standard is to impose on the states the
9 discipline to develop the data which is so sorely lacking,
10 as we have seen in our discussions over these various amend-
11 ments, on the amounts of money, how the money should be
12 funded, that we have seen, and I think I just have to agree
13 completely with what Leon said, it ought to be a period in
14 which the states have had the opportunity to develop a data
15 bank, which is far superior than anything they have now,
16 and it should be after the implementation plans have been
17 filed by the states, because, after all, it is going to be
18 on the basis of the implementation plans that the Congress
19 and the Administrator will be able to know how much it will
20 cost.

21 Senator Muskie. Any further discussion?

22 Senator Bentsen. I would be in accord, Mr.
23 Chairman, with Leon, that these figures will have very little
24 meaning until we see what the implementation plans are.

25 We will be gathering information, and we will have

1 the kinds of figures they give, and to choose a hundred
2 billion, and then try to work back to justify it does not
3 make sense.

4 Senator Muskie. May I suggest that we report this
5 proposal to the full Committee, and ask the staff to
6 produce the statutory language on the basis of the outline
7 that Leon has given us?

8 We are all in agreement with it?

9 Senator Boggs. Yes.

10 Senator Muskie. Without objection, that is agreed
11 to.

12 The next question then is the funding, and we have
13 Senator Cooper's amendment before us, which is, as I under-
14 stand it, two and a half billion dollars for three years, two
15 billion for the current year, that would be the same in his
16 amendment and the Committee print, so he is proposing two and
17 a half billion for three years.

18 We will have a vote on that after appropriate dis-
19 cussion, and if that fails, then we will have a vote on the
20 Committee proposal, which is four years, on an escalating
21 basis of three, four, five, six billion to 1976.

22 The only comment I would make is that I understand
23 Senator Cooper's motion now, that if we are really to make
24 a start on achieving this deadline, it seems to me that the
25 second level authorization, the budgetary considerations,

1 they will be argued.

2 I do not really think there is any need to discuss
3 this much further.

4 Would you like to vote on it?

5 Senator Cooper. Yes. I would like to point out--

6 Senator Boggs. This is contract authority?

7 It is not appropriations necessarily. Appropriations,
8 for example, the first year may be three quarters of a
9 billion, or a half, I don't know what, much less than the
10 first year.

11 Senator Muskie. In either proposal, the spending would
12 spend out over more years than in here.

13 In the case of the Committee print, the spending would
14 go over a period of nine years.

15 Mr. Billings. It is difficult to estimate the
16 carry over, because you have twelve month reallocation
17 periods, so that will not expire until I think next June, so
18 we will not know the carry over, and in any event there
19 should not be the carry over, because of the reimbursables owed
20 to the states, which we begin to heat up increasingly.

21 Let me point out, Mr. Chairman, that the way the
22 money actually is expended, under this program, it is after
23 its obligation, five percent of it goes in the first year,
24 twenty percent the second, thirty percent the third, forty
25 percent the fourth, so if you obligate ten million dollars

1 it will get \$500 thousand, two million the second, three
2 million the third, four million the fourth year, on down.

3 Senator Boggs. This does not include the reimbursables,
4 does it?

5 Senator Muskie. That is separate in both cases.
6 It is separate.

7 Will you call the roll?

8 (Whereupon, the roll call vote was as follows:

9 COMMITTEE INSERT:
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1 Mr. Meyer. Mr. Chairman, the motion fails, six
2 to seven.

3 Senator Muskie. Then we will have a vote on the
4 Committee print.

5 Senator Tunney. Mr. Chairman, I do not want to hold
6 up the Committee, but I did have an amendment which I
7 wanted to put in.

8 Senator Muskie. Let us vote on this. We have a vote
9 on the floor.

10 Mr. Meyer. Roll call vote, Mr. Chairman.

11 Senator Muskie. Yes.

12 Mr. Meyer. First, I would like to point out to
13 Senator Randolph that this is the Committee language, providing
14 for three billion for fiscal 73, four billion for 74, five
15 billion for 75, six billion for fiscal 76, for a total amount
16 of eighteen billion dollars.

17 (Whereupon, the roll call vote was as follows:

18 COMMITTEE INSERT:
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1 Mr. Meyer. Mr. Chairman, it is a unanimous vote
2 for the motion.

3 Senator Randolph. In just twenty seconds, I want
4 to say I understand Senator Cooper's feelings in this
5 matter, and also his obligation, and it is helpful always to
6 come to grips with these matters, and yet within the Committee,
7 when we have been unable to carry our amendments, why we
8 attempt to join together, at least in bringing to the Senate
9 or to the full Committee matters on which we are in general
10 agreement.

11 Senator Muskie. There is a vote. I think we are
12 about seven minutes into the vote.

13 There is one other item, that is the regional waste
14 treatment management.

15 Is there any question about any of this that we
16 should come back and discuss?

17 Are we prepared to agree to it?

18 Senator Cooper. I have one question. Who would carry
19 this out?

20 Mr. Billings. Planning under this section would have
21 to be carried on by a group of elected officials, representing
22 general purpose local government.

23 In other words, the regional management plan would
24 have to be developed by people who are politically responsible
25 in the region.

1 Senator Cooper. Where is that?

2 Mr. Jorling. Page twenty-two, lines nineteen to
3 twenty-one.

4 Senator Buckley. Mr. Chairman, this is one of the
5 provisions I have not had a chance to analyze. I cannot
6 agree as yet to this one.

7 I just cannot say "aye".

8 Senator Muskie. All right. We do not need a voice
9 vote on this.

10 Shall we send it to the full Committee?

11 I want to look at it again too. The matter is
12 agreed to send it on, and we can take another look at it
13 before the full Committee.

14 Senator Tunney, your amendment we can consider
15 in the full Committee?

16 Senator Tunney. Certainly. I know it is a problem
17 of time that we have.

18 Senator Muskie. I know it is a new concept the
19 amendment that you have to offer, and we would all be inclined
20 to be sympathetic, but I think it would be better if we
21 forwarded it to the full Committee for consideration, not as
22 a part of the bill.

23 Senator Randolph. Mr. Chairman, knowing the problems
24 of further time, just as we have with Senator Tunney's
25 amendment, which goes over to the full Committee, there is

1 a memorandum which is addressed to all members of the Committee
2 on Public Works, not to just the Subcommittee, which goes to
3 the subject of the review board for water quality and effluent
4 standards.

5 Now, I could have this delivered to your offices, or if
6 there are those that would take it today, fine.

7 I want it to be a subject when we go into the full
8 Committee.

9 I do not want to press the matter here, but I think
10 we need to talk about it very carefully.

11 Senator Muskie. All right. Senator Bayh's amendment,
12 we will want to also take that up, which we can take up in
13 the full Committee.

14 With that, may we have a formal motion.

15 Senator Boggs. I move we report to the full
16 Committee.

17 Senator Muskie. All those in favor of that motion,
18 say "aye".

19 Opposed.

20 The "ayes" have it.

21 Senator Buckley. Senator Baker and I abstain. I
22 am not voting against it. We are just abstaining.

23 Senator Muskie. Thank you.

24 Senator Randolph. Mr. Chairman, for the record, I
25

1 want to express appreciation to you, and to all of the members
2 of the Subcommittee for the almost twenty-seven, or twenty-
3 eight sessions in connection with this important legislation.

4 It is not pleasantries what I am saying, but I do
5 want the record to show for our purposes that we who have not
6 been as close to the day by day activities, and hour by hour
7 operations, that we do appreciate what has been done, and
8 certainly when we go into the full Committee, it will make
9 our job much easier, and I thank you, very, very much.

10 Senator Muskie. I thank you all.

11 The Subcommittee is adjourned.

12 (Whereupon, at 12:15 o'clock p.m. the Subcommittee
13 was adjourned.)
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